REMARKS

The Office action mailed on 25 August 2004 (Paper No. 12) has been carefully considered.

Claims 11 and 37 thru 40 are being canceled without prejudice or disclaimer, claims 1 thru 3, 6 thru 8, 12, 13, 15, 17, 19, 21, 22, 24, 26 thru 32 and 34 are being amended, and new claims 41 thru 43 are being added. Thus, claims 1 thru 8, 12, 13, 15 thru 17, 19 thru 32, 34 thru 36 and 41 thru 43 are pending in the application.

In paragraph 2 of the Office action, the Examiner rejected claim 25 under 35 U.S.C. §112 (second paragraph) for alleged indefiniteness. Specifically, the Examiner states that the phrase "outputting a delayed primary signal comprising the first signal, and the outputted primary signal comprising the second signal" is confusing. In response, Applicants submit the following.

Independent claim 17 recites five steps, the second of which comprises the step of generating a resultant signal by performing an exclusive-OR operation on a first signal and a second signal, the first signal comprising the original signal delayed by a predetermined quantity of time, the second signal comprising the original signal not delayed.

Dependent claim 25, which is dependent from claim 17, recites the method as further comprising four steps, the fourth step comprising the step of delaying a primary signal by the

predetermined quantity of time, and outputting the primary signal, the delayed primary signal comprising the first signal while the outputted primary signal comprising the second signal. That is to say, dependent claim 25 recites the method of claim 17 in further detail in terms of delaying a primary signal by a predetermined quantity of time, followed by outputting of both the undelayed and delayed primary signals. The recitation, "said delayed primary signal comprising said first signal, said outputted primary signal comprising said second signal", is intended to relate or reference the delayed primary signal and the outputted primary signal to be first and second signals, respectively, recited in the third paragraph of claim 17. Thus, the quoted portion of dependent claim 25 is merely intended to recite that the "delayed primary signal" of claim 25 comprises (or corresponds to) the "first signal" recited in claim 17, and that the "outputted primary signal" recited in claim 25 comprises (or corresponds to) the "second signal" recited in claim 17.

For the latter reasons, it is submitted that claim 25 is not vague or indefinite, and thus meets the requirements of 35 U.S.C. §112 (second paragraph) so that a rejection on that statutory basis should be withdrawn.

In paragraph 4 of the Office action, the Examiner rejected claims 17, 19-24, 27-32, 36 and 37 are rejected under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.*, entitled *BIT-RATE TRANSPARENT ELECTRONIC DATA REGENERATION IN REPEATERS FOR HIGH SPEED LIGHTWAVE COMMUNICATION SYSTEMS*, Proceedings of the 1999 IEEE, International Symposium, Vol. 2, pp. 508-511. In paragraph 5 of the Office action,

the Examiner rejected claims 1 thru 8, 11 thru 13 and 16 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Ishihara, ,U.S. Patent No. 5,557,648. In paragraph 6 of the Office action, the Examiner rejected claims 15, 26 and 35 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Ishihara '648, and further in view of Uda *et al.*, European Patent Publication No. 0342010. In paragraph 7 of the Office action, the Examiner rejected claims 34 and 38 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Ishihara '648. In paragraph 8 of the Office action, the Examiner rejected claims 39 and 40 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Ishihara '648, and further in view of Uda *et al.* '010. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

The present invention generally relates to a method and apparatus for measuring the bit-rate of a received signal in a wavelength division multiplexing (WDM) transfer mode. The method include the steps of: duplicating the received signal to output two signals as a received signal; delaying one of the signals by a predetermined time; and performing an exclusive OR logical operation on the delayed signal and the other signal which is not delayed to generate a sensing signal. The sensing signal is then low-pass filtered and converted to digital form, and the direct current voltage of the filtered and digitized sending signal is measured to derive the bit-rate of the received signal. The derived bit rate is then used by a reference clock generator to generate a reference clock signal which is applied to

a programmable recovery circuit, and the latter recovers the data and clock signal. Accordingly, when various signals having different bit-rates are used over a network in the WDM system, a receiving terminal can automatically recognize information under a bit-rate of a received optical signal and extract a reference clock signal from the received signal, thereby reproducing the received optical signal without distortion, using the clock signal.

The primary reference cited against the claims of this application is Mokhtari *et al.*, entitled *BIT-RATE TRANSPARENT ELECTRONIC DATA REGENERATION IN REPEATERS FOR HIGH SPEED LIGHTWAVE COMMUNICATION SYSTEMS*, Proceedings of the 1999 IEEE, International Symposium, Vol. 2, pp. 508-511. The Mokhtari *et al.* reference relates to two approaches for realization of bit-rate transparent data regeneration: 1) locked oscillator, phase-locking structures (partially bitrate transparent); 2) freerunning (unlocked) oscillator, sampling structures (fully bitrate transparent).

In Mokhtari *et al.*, a 3R repeater (as shown in Figure 1) includes a Reamp. stage, a reshaping stage, a limit stage, a retimer, and a driver. The Reamp. stage includes an optical/electrical converter and an amplifier for converting and amplifying the original signal, whereupon the converted and amplified signal is then reshaped, limited, and retimed, with the resultant signal being provided to the driver. As further disclosed, the retimer stage generally includes a clock and a decision circuit as shown in Figure 2 of Mokhtari *et al.*. One arrangement for clock recovery, based on phased locked loop, is shown in Figure 3 of Mokhtari *et al.*, and includes an edge detector, a phase locked loop (PLL), a delay circuit and

a decision circuit. The decision circuit is shown in more detail in Figure 4, while the edge detector is shown in more detail in Figure 5.

The secondary references cited by the Examiner are Uda *et al.*, European Patent Publication No. 0342010, and Ishihara, U.S. Patent No. 5,557,648. Uda '010 relates to a digital signal regenerator which can produce a regenerated data pulse stream with reduced decision errors, permits the use of a phase adjustable clock pulse sequence with no deterioration in rise and fall characteristics of recovered clock pulses, and is adaptable to a high bit rate data pulse stream. Ishihara '648 relates to a phase lock loop circuit that can be formed into a full monolithic integrated circuit without an external component part, and that can maintain the phase locked state even for a consecutive identical bit state of input data including more than several tens of consecutive identical bits.

The present invention differs from the arrangement of Mokhtari *et al.* in several respects. First, in the invention, a first unit 40a (*see* Figure 3 of the application) of the identification unit 50 (*see* Figure 2) delays the **original** electrical signal provided by the O/E converter 10 and amplifier 20. In contrast, in Mokhtari *et al.*, the original electrical signal provided by the O/E converter and amplified in the Reamp. stage of Figure 1 is processed by a reshaping circuit and a limit stage, and a resultant reshaped and limited signal is provided to the retimer of Figure 1 wherein delaying takes place.

Second, whereas the Examiner has argued that the edge detector of Figures 3 and 5

of Mokhtari *et al.* performs functions (delaying, exclusive-OR, *etc.*) of the first unit of the identification unit (recited in claim 1), and whereas the Examiner has further argued that the PLL of Figure 3 of Mokhtari *et al.* performs the functions (filtering and bit rate detection) of the second unit of the identification unit recited in claim 1, and whereas the Examiner is apparently further arguing that the delay circuit of Figure 3 of Mokhtari *et al.* performs the function (generating a reference clock signal in dependence upon the detected bit rate) of the clock generator as recited in claim 1, Mokhtari *et al.* does not disclose a recovery unit recovering an input clock signal and data from the input optical signal in dependence upon the reference clock signal, as recited in claim 1. In fact, in Figure 3 of Mokhtari *et al.*, the decision circuit receives the clock output of the delay circuit, and then generates a recovered data output, whereas the clock output of Figure 3 is generated by the delay circuit itself, and not by the decision circuit.

Third, by way of further distinguishing the invention from the prior art cited by the Examiner, it is noted that Mokhtari *et al.* discloses a configuration in which a clock is extracted from an input optical signal (*see* Figures 3 and 5 of the reference). It is also noted that, although the term "retime" or "retiming" might appear in Mokhtari *et al.*, it has a different meaning from the meaning of "retiming" as disclosed in the present application.

Fourth, in the present invention, after recognizing the bit-rate of an input signal, an accurate reference clock is generated from a separate reference clock generator or separately. In contrast, in Mokhtari *et al.*, the clock signal is extracted from the input signal directly

(again, *see* Figures 3 and 5 of the reference). This is technology used in a so-called "protocol fee system", which is mentioned as prior art in the present application. Such technology, as employed in Mokhtari *et al.*, has a problem typical of the prior art (as discussed in the "Related Art" section of the application) in that noise and timing jitter accumulate and increase by passing through a node with resultant decrease in transmission quality (*see* page 9, line 16 - page 10, line 4 of the specification of the present application).

Fifth, the present invention is distinguishable from the prior art due to the fact that the present invention is characterized in that an original signal and a delay signal are subjected to an exclusive-OR operation, and the resultant signal is then low-pass filtered prior to being converted into digital form (*see* Figure 3 of the present application and the related discussion in the specification thereof). Once the latter operations are performed in accordance with the present invention, a bit rate is derived according to a voltage level of the output signal emanating from the digital converter (again, *see* Figure 3 and the related discussion in the specification of the present application).

In contrast, in Mokhtari *et al.*, a low-pass filter is disclosed, but it is not used for the same type of operation as in the present invention. Furthermore, Mokhtari *et al.* fails to disclose or suggest use of the voltage level of the resultant signal, as well as reorganization of the bit rate according to the voltage level, the latter two operations being at the heart of the present invention.

In paragraphs 4 and 5 of the Office action, the Examiner alleges that Mokhtari *et al.* discloses low-pass filtering of a "third signal" or "resultant signal". However, it is respectfully submitted that Mokhtari *et al.* does not disclose or suggest such a feature. In that regard, conventionally, a phase-locked loop (PLL) circuit, such as that disclosed in Figure 3 of Mokhtari *et al.*, can contain a low-pass filter, but such a filter is used to low-pass filter a signal indicative of a phase difference between an input signal and a feedback signal. However, the conventional PLL circuit, such as that disclosed in Figure 3 of Mokhtari *et al.*, will not low-pass filter the input signal. Accordingly, with respect to the input signal shown in Figure 6 of Mokhtari *et al.* (*i.e.*, the output signal of Figure 5 thereof), there is no disclosure or suggestion of low-pass filtering the input signal, much less any disclosure or suggestion of low-pass filtering a signal corresponding to the "third signal" recited in claims 1 and 28, or the "resultant signal" recited in claim 17. Rather, at best, Mokhtari *et al.* suggests that a "difference signal", as opposed to an "input signal" corresponding to the recited "third signal" or the recited "resultant signal", is low-pass filtered.

Turning to consideration of the claims, independent claim 1 is being amended to include the recitation from dependent claim 11, which is being canceled. Thus, independent claim 1 recites the invention in a manner distinguishable from the prior art by virtue of the fact that the prior art does not disclose or suggest an identification unit which comprises first and second units with the respective functions recited in the claim, including the performance of an exclusive-OR operation upon first and second signals in the first unit so as to form a third signal, and low-pass filtering the third signal so as to detect a bit rate in

dependence upon a voltage level of the low-pass filtered third signal. Moreover, the prior art does not disclose or suggest a second unit which comprises a low-pass filter for low-pass filtering the third signal in combination with the analog-to-digital converter for converting the low-pass filtered third signal from analog to digital form, as well as a bit rate deriving unit for deriving a bit rate in dependence upon information related to voltage level of the digital signal and a predetermined bit rate, as recited in amended claim 1.

Independent method claim 17 is being amended to improve its form, but claim 17 distinguishes the inventive method from the prior art cited by the Examiner. Thus, the prior art cited by the Examiner does not disclose or suggest the generation of a "resultant signal" by performing an exclusive-OR operation on a first signal and a second signal corresponding to an original signal delayed by a predetermined quantity of time and an original signal not delayed, respectively, and the prior art does not disclose or suggest the determination of a bit rate of the original signal by low-pass filtering the resultant signal, and by determining a voltage level of the low-pass filtered resultant signal. Finally, the prior art does not disclose or suggest the step of generating a reference clock signal separate from the original signal and in dependence upon the bit rate as determined in the previous step.

Independent apparatus claim 28 is being amended to include the recitations from dependent claim 37, which is being cancelled. Thus, independent claim 28 recites the apparatus as comprising the combination of a converter, an identification unit, a clock generator and a recovery unit, and claim 28 further recites the identification unit as

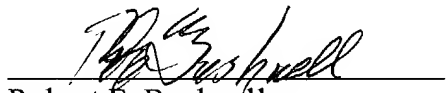
comprising a first unit and a second unit having the functions discussed above relative to independent claim 1. Thus, independent claim 28 recites the invention in a manner distinguishable from the prior art because the prior art does not disclose or suggest an identification unit comprising a first unit for delaying an original electrical signal, for performing an exclusive-OR operation upon a first signal corresponding to the original electrical signal delayed by predetermined quantity of time, and a second signal corresponding to the original electrical signal not delayed, the first unit forming a third signal as a result of the exclusive-OR operation. Moreover, the prior art does not disclose or suggest an identification unit which includes a second unit for low-pass filtering the third signal, and for detecting the bit rate of the original signal in dependence upon a voltage level of the low-pass filtered third signal, as now recited in claim 28. In the latter regard, the arguments set forth above relative to independent claims 1 and 17 apply equally to independent claim 28, as now amended.

It should be noted that the dependent claims provide further distinctions between the invention and the prior art cited by the Examiner. In particular, it should be noted that dependent claims 41 thru 43, now added by this Amendment, recite that the recovery unit of claims 1 and 28 comprise a "programmable recovery unit", while the recovering step of method claim 17 is performed by a "programmable recovery unit". The prior art cited by the Examiner does not disclose or suggest such a "programmable recovery unit".

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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